

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No.

21-CV-0842-MV-JHR

(to be filled in by the Clerk's Office)

LIZA YVONNE ROSALES

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WYNNE C. WHITE, LT CLIFFORD J. RICHARDS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT 07 2021

MITCHELL R. ELFERS
CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name LIZA YVONNE ROSALES
 All other names by which
 you have been known: N/A
 ID Number # 75501
 Current Institution WESTERN NEW MEXICO CORRECTIONAL FACILITY
 Address P.O. DRAWER 250
GRANTS NM 87020
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name CHELSEA WHITE
 Job or Title (*if known*) UNIT MANAGER
 Shield Number _____
 Employer WNMCF
 Address P.O. DRAWER 250
GRANTS NM 87020
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name LT. GIFFORD
 Job or Title (*if known*) LIEUTENANT
 Shield Number _____
 Employer WNMCF
 Address P.O. DRAWER 250
GRANTS NM 87020
 City State Zip Code
☒ Individual capacity ☒ Official capacity

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Defendant No. 3

Name

JESSICA RICHARDS

Job or Title (if known)

WARDEN

Shield Number

Employer

WNMCF

Address

P.O. DRAWER

GRANTS

City

NM

State

77020

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

DISCRIMINATION, HARASSMENT, RETALIATION

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

UNIT MANAGER WHITE HARASSED AND ALSO RETALIATED
AGAINST MY SAME SEX MARITAL PARTNER SHE IS DISCRIMINATING
III. Prisoner Status AGAINST IT.

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
J. RICHARDS IS THE WARDEN AND JIM WHITE SUPERIOR I SPOKE
WITH HER ABOUT MY WHOLE SITUATION AND SHE FAILED TO LOOK INTO IT
I SPOKE WITH LT. CLIFFORD HE STATED IT WAS A SECURITY ISSUE. I'VE ATTEMPTED
TO SPEAK WITH WHITE AND ALSO NO RESOLUTION.
- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

AUG 2021 AND ONGOING CURRENTLY AT WNMCF.

C. What date and approximate time did the events giving rise to your claim(s) occur?

AUGUST 2021

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I BECAME SUICIDAL AND PLACED ON WATCH FOR OBSERVATION
DUE TO ALL THIS BEING OVERWHELMING AND VERY TRAUMATIC I
ALREADY HAVE PTSD THIS JUST MADE IT WORSE AND I WAS DIAGNOSED
MANIC DEPRESSION, BI-POLAR. I WAS SUICIDAL DUE TO ALL THE DISTRESS
THE STAFF AND INMATES ALL WITNESS THIS WHOLE SITUATION EVOLVE.
MOST STAFF ADVISED ME TO GO TO COURT ON THIS SITUATION

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I HAD A MENTAL BREAK DOWN
DUE TO ALL THE DISTRESS OF THE WHOLE SITUATION. I WAS PLACED ON
A ONE ON ONE OBSERVATION FOR SUICIDE WATCH. I WAS ALSO
WRITTEN-UP AND CHARGE A RESTITUTION FEE OF \$100.00 DOLLARS.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'M CURRENTLY SEEKING LEGAL REPRESENTATION AT THE MOMENT TO
RESOLVE THIS AND A REASONABLE AMOUNT FOR DAMAGES MENTALLY +
EMOTIONALLY

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

WESTERN NM CORRECTIONAL FACILITY.

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

re. ☒ No

☒ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

WITH THE GRIEVANCE OFFICER AT WAMCF

2. What did you claim in your grievance?

WHY I WAS RELOCATED FOR HOUSING. I'M CURRENTLY DOING GRIEVANCE ON HARASSMENT, RETALIATION AND HARASSMENT.

3. What was the result, if any?

THE FACILITY FAILS TO MOVE FORWARD WITH GRIEVANCE AND SAYING IT'S RESOLVED WITH INFORMAL ONLY. I'VE GOTTEN NOWHERE WITH STAFF ON THIS ISSUE. THIS IS WHY I PURSUED IT IN CIVIL RIGHTS MATTER. I'VE RECEIVED ONE RESPONSE ON THE INFORMAL I WAS TOLD IT'S SECURITY AND CANNOT BE DISCLOSED WHY I WAS MOVED.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I DID AN INFORMAL COMPLAINT WAS SEEN BY OFFICER JOHNSON WHERE HE STATED IT WAS PER SECURITY NOT TO DISCLOSE WHY I WAS MOVED. HE COULD NOT TELL ME.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I DID FILE STAFF WILL NOT RESPOND OR HELP ME IN THIS SITUATION.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

WARDEN RICHARDS AND I'VE EXHAUSTED ALL REMEDIES I CAN WHILE INCARCERATED. I'VE SPOKE TO LIEUTENANTS YULE, BRADSHAW, CPT. ALDAR, MARSHALL AND AGAIN NOTHING SEEMS TO HELP RESOLVE THIS ISSUE.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I'VE GONE TO ST.I.U. CAPTAIN ALDAR P.R.E.A OFFICER WHICH IS SECURITY AND A CAPTAIN OF P.R.E.A. AND NEITHER SEEN IT AS A RISK OF SECURITY IN ANY MATTER. I'VE TRIED TO

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

FOLLOW-UP IN THIS MATTER BUT HAVE BEEN TOLD NOTHING SO FAR.

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NO

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes☒ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10.5.21

Signature of Plaintiff

ROSALES LIZA

Printed Name of Plaintiff

ROSALES LIZA

Prison Identification #

#75501

Prison Address

P.O. DRAWER 250

COAHUILA
City

NM
State

87020
Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address



NEW MEXICO

CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

Western New Mexico Correctional Facility

To:

From: Dirk Lee Laundry Officer *Lee*

Subject: Denial of Laundry Exchange

Date: 10/5/2021

Laundry Department has received your Inmate laundry request for exchange or replacement, at time I'm denning request due to the following reason or reasons listed below.

- (✓) State issued Property From shows you are issued proper amounts state – issued property upon your arrival to this facility. *2 white Blankets were issued per medical. on 9/30/21 I observed your 2 white blankets wash. any complaints may talk to Lt. Bittford*
- () You didn't send to laundry state- issued item or items that your requesting to exchanged, Laundry can only exchange item for item per policy.
- (✓) You are reasonable for insuring the transferring your state-issued property to another cell, unit. If security packs your state-issued property and your claiming state-issued property missing you will need to go throw grievance prosses.
- () If Corrections Staff confiscated your state issued clothing or bedding during a shakedown that means you were in possession unauthorized amounts or it was altered you will be reissued missing items but you will have reimburse the Corrections Department for state-issued items. Or you will need to go throw grievance prosses.
- () Laundry Department has received your clime about you not receiving your laundry back from laundry. All laundry entering and exiting laundry is inventoried and returned.
- () You will need to send your laundry exchanges to laundry department on schedule exchange days to be exchanged, Units 5,6,7 8 First Tuesday of each /Month Units 1,2,3,4 the First Wednesday each Month
- () You need to send your request for exchange or replacement of Pants, Bra, Sock, Night Gowns to I D.
- () You have sent the same size of state- issued uniforms to laundry your asking to be exchanged their is nothing wrong with them so laundry is sending them back.